

VZCZCXRO5526
PP RUEHDBU RUEHFL RUEHKW RUEHLA RUEHNP RUEHROV RUEHSR
DE RUEHVJ #0689/01 1611433
ZNY CCCCC ZZH
P 101433Z JUN 09
FM AMEMBASSY SARAJEVO
TO RUEHC/SECSTATE WASHDC PRIORITY 0306
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHTC/AMEMBASSY THE HAGUE 0182
RUEAWJA/DEPT OF JUSTICE WASHDC
RUEAIIA/CIA WASHINGTON DC
RHEFDIA/DIA WASHINGTON DC
RUEKJCS/JOINT STAFF WASHINGTON DC
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 03 SARAJEVO 000689

SIPDIS

EUR (FOOKS, MCGUIRE, STINCHCOMB), S/WCI (WILLIAMSON,
VIBUL-JOLLES), INR (MORIN), INL (CARROLL), THE HAGUE
(MANNING, JOHNSON); NSC (HELGERSON); OSD FOR BEIN;
DEPARTMENT OF JUSTICE FOR OPDAT (ALEXANDRE)

E.O. 12958: DECL: 06/08/2019
TAGS: [PGOV](#) [PREL](#) [KAWC](#) [KJUS](#) [BK](#)
SUBJECT: BOSNIA: SUPPORT FOR REGIONAL COOPERATION
AGREEMENTS GROWING

Classified By: CDA Judith Cefkin for Reasons 1.4 (B) and (D)

11. (SBU) SUMMARY. Long considered a black hole in the region, Bosnia now appears to be taking some steps towards signing regional cooperation agreements in an effort to bring to justice criminals, particularly war criminals, who are dual citizens and out of reach of the law due to existing bans on extradition of nationals in the region. This shift in position is partly attributable to Serbia's decision to pursue parallel investigations into war crimes that occurred in Bosnia (Dobrovoljacka and Ilija Jurisic cases). Serbia's actions have placed pressure on Bosnian officials, including those who have long resisted signing regional cooperation agreements, to reconsider the issue. In light of these developments, State Prosecutor Milorad Barasin is intent on signing cooperation agreements with his counterparts in the region, despite the blowback his office is likely to receive from certain segments of the population, particularly Bosniaks. He hopes that a June 12 meeting with Serbian War Crimes Prosecutor Vladimir Vukcevic in Dubrovnik will lead to an agreement with Serbia in the near future. END SUMMARY

Bosnia and Serbia Clash Over Dobrovoljacka Case

12. (U) In the past several months, Bosnia's relations with Serbia have become further strained as a result of Serbia's decision to conduct a parallel investigation into the high-profile Dobrovoljacka war crimes case. The case stems from an attack on members of the Yugoslav Army (JNA) in Sarajevo in 1992, which killed 42 soldiers and wounded 73 others. In February, the press reported that Serbian officials were investigating 19 former Bosnian officials -- including two former members of the Presidency, Ejdup Ganic and Stjepan Kljucic -- in connection with the case.

13. (C) Since then, Bosnia's Interpol Office has received a list of eighteen names from Serbia. The press reported that Security Minister Tarik Sadovic traveled to Interpol headquarters in Lyon, France to request that Serbia's warrant not be issued world-wide. Sadovic and other Bosnian (primarily Bosniak) politicians are adamant that Serbia is pursuing a politically-motivated case. Outrage over the case factored into the decision by Presidents Haris Silajdzic and Zeljko Komsic and their advisors not to participate in the recent official visit by Chairman of the Tri-Presidency Nejbosa Radmanovic to Serbia. Komsic reportedly described the case as being the "last straw." Meanwhile, in conversations

with us, State Prosecutor Milorad Barasin and other judicial officials insist that Serbia's investigation interferes with the one being carried out by the State Prosecutor's Office.

And the Jurisic Case

¶4. (C) The Ilija Jurisic case has also been a sore spot in relations between Bosnia and Serbia. Serbian authorities arrested Jurisic, a Bosniak from Tuzla, while he was visiting Belgrade in May 2007. Jurisic was accused of committing war crimes against a convoy of the JNA army in May 1992 in Tuzla. Contacts at the State Prosecutor's Office, which has been investigating the alleged participation of a number of individuals in the attack, told us the office had notified Serbian officials of its ongoing investigation into the (Tuzlanska Kolona) case soon after Jurisic's arrest, as called for under existing international agreements to which both countries adhere. But instead of temporarily suspending processing of the case and holding talks with Bosnia to determine which country had jurisdiction in the case, Serbia ignored the Bosnian request and proceeded with its case against Jurisic.

¶5. (U) Since Jurisic's arrest, some Bosniak politicians have warned Bosniaks not to travel to Serbia and have taken other steps to express their unhappiness with Serbia. President Komsic reportedly refused a meeting with Serbian Foreign Minister Vuk Jeremic while Jeremic was visiting Bosnia in December 2008 because of this case. More recently,

SARAJEVO 00000689 002 OF 003

the case touched off a protest on May 27 by, according to press reports, at least 1000 people who protested Serbia's actions, but also, in part, protested Bosnian officials' slowness to prosecute the case, which they said gave a pretext for the Serbs' actions.

Bosnia Under Pressure to Sign Agreements with Neighbors

¶6. (SBU) Both the Dobrovoljacka and Jurisic cases have increased pressure on Bosnian officials to take greater steps to advance regional cooperation on war crimes prosecution, such as by signing evidence transfer agreements. To date, the State Prosecutor's Special Department for War Crimes has transferred some evidence as well as a handful of cases to Serbia, but these efforts have been limited due to the absence of a formal mechanism permitting greater cooperation.

Bosnian officials are also obliged by the National War Crimes Strategy, which was adopted by the Council of Ministers in December, to amend existing agreement and sign new ones with governments in the region to facilitate the investigation, prosecution, and adjudication of war crimes cases.

State Prosecutor Barasin Intent on Inking Agreements

¶7. (C) In a sharp departure from his predecessor, State Prosecutor Barasin on June 2 expressed to us his willingness to sign evidence transfer agreements with all of the countries in the region. His one caveat was that this support is contingent upon his receiving political support from State Justice Minister Barisa Colak and other members of the Council of Ministers. Barasin said that, while his office would receive blowback from some segments of the Bosnian public, particularly Bosniaks, signing such agreements is the only way to ensure that victims and victims' families would receive justice, given the existing bans on extradition in Bosnia and other countries in the region. Barasin went on to express confidence in his regional counterparts' ability to effectively investigate, prosecute, and adjudicate war crimes cases. At the same time, he acknowledged that his own office would have to

expedite the processing of the Dobrovoljacka and other high-profile war crimes cases, in part to signal to counterparts and politicians in the region that Bosnia can investigate and prosecute alleged war criminals. Work on high-profile test cases would serve as confidence-building measures that if successful, would lead to greater cooperation in the region, he said.

18. (C) When asked about the recent Brioni conference for regional prosecutors, Barasin said that the conference's "relaxing atmosphere" had allowed him and his colleagues to have frank, informal discussions on a number of issues related to regional cooperation, including the need for all to access a database of war crimes cases. He expressed hope that the goodwill he experienced at Brioni would be evident in a meeting with Serbian War Crimes Prosecutor Vladimir Vukcevic in Dubrovnik on June 12. Barasin said he hopes to reach an agreement with Vukcevic on evidence transfers and to get Vukcevic to agree not to accept criminal complaints from entity-level officials from Republika Srpska. He asked for our assistance in securing Justice Minister Barisa Colak's support for the initiative ahead of the meeting.

MoJ Supports Regional Cooperation Agreements

19. (C) As a follow-up to our meeting with Barasin, we met with Jadranka Matic, Minister Colak's Chief of Cabinet to discuss the Ministry's position on regional cooperation agreements. Matic told us that Minister Colak supports signing evidence transfer agreements with Serbia and other countries in the region, and that the Ministry, under Colak's leadership, was actively working on drafting other agreements that would lead to greater cooperation on criminal cases, not just war crimes. As an illustration of this point, she noted that in the coming days the Ministry plans to forward to the Council of Ministers a draft agreement with Croatia that

SARAJEVO 00000689 003 OF 003

would allow convicted criminals who are dual citizens and who have received final sentences to be returned to the country where they committed their crimes in order to serve their sentences. The Ministry is preparing a similar draft agreement with Serbia.

International Community on Board

110. (SBU) The USG has long played a leading role in encouraging greater regional cooperation on war crimes cases. Over the years, we have been urging Bosnian officials to enter into regional agreements, but until recently, faced resistance due to Bosnian officials' insistence that alleged war criminals living in the region should be tried in the country where the accused's crimes were committed. The EU and the Office of the High Representative also appear to be engaging more on the issue. On April 2 and 3, the EU hosted a meeting jointly with the International Criminal Tribunal for the Former Yugoslavia (ICTY) for all chief prosecutors in the region to discuss improving regional cooperation. We understand that Office of the High Representatives staffers have prepared a letter for High Representative/EU Special Representative Valentin Inzko's signature urging Bosnian authorities to conclude agreements with neighboring countries that would prevent parallel investigations and bring responsible individuals to justice.

Remaining Concerns

111. (C) While they embrace having greater regional cooperation in principle, some interlocutors have concerns about agreements Bosnia may sign with its neighbors. Notably, Barasin's Deputy State Prosecutor and Special Department for War Crimes head David Schwendiman told us he believes that war crimes cases should be prosecuted in the

jurisdiction where they occurred, which would mean abolishing bans on extradition in the region. Schwendiman also voiced concerns about the legal constraints -- both local and international -- his office faces in possibly relinquishing cases to other states. One such constraint is the inability of his office to compel witnesses to testify in cases being prosecuted outside Bosnia. These concerns notwithstanding, Schwendiman made it clear that he would do his utmost to support his boss Milorad Barasin's position.

Comment

¶12. (C) The growing interest of some Bosnian officials in regional cooperation agreements is a long over-due, welcome development. This apparent shift in position is, in part, a result of the pressure exerted by Serbia by virtue of its decision to conduct parallel investigations against Bosnian citizens accused of committing war crimes in Bosnia, notably in the Dobrovoljacka and Ilija Jurisic cases. However, Serbia's actions have also strained Bosnia-Serbia relations and have further fed Republika Srpska's claims that state-level judicial institutions are only interested in prosecuting ethnic Serbs. Some Bosnian officials have now realized that regional cooperation agreements would help put an end to parallel investigations. State Prosecutor Milorad Barasin clearly favors the new approach, though it is unclear whether he can obtain sufficient political support to see that it is implemented.

CEFKIN